

Serial No.: 10/803,157

3

**Remarks**

As an initial item, the Examiner is requested to acknowledge for the instant application the foreign priority claims to PCT/GB00/02302 and GB0030304 made in the parent application.

The specification is amended to reflect the grant of the parent application.

Claims 36-46 are pending and subject to a requirement for election of a single disclosed species for prosecution on the merits. As a basis for beginning examination, Applicants elect 1-(indole-6-carbonyl-D-phenylglyciny)-4-(1-methylpiperidin-4-yl)piperazine (or a physiologically-tolerable salt thereof), which is the fourth species in the dependent process claim, Claim 37, and which is exemplified at Example 48. Thus, Claims 36 and 37 encompass a process for preparation of the elected species; and Claims 38 and 39 encompass one particular intermediate useful for preparation of the species using process (a) of Claims 36 and 37. The intermediate useful for preparation of the elected species, 1-(D-phenylglyciny)-4-(1-methylpiperidin-4-yl)piperazine, is disclosed in salt form in the description at page 138, line 12, and at page 139, line 20.

The restriction requirement of the parent case has been reviewed. In the absence of a clear restriction requirement in the instant application, applicants do not wish to delete subject matter from the claims. However, it is noted that the species elected as a basis for examination of the instant claims corresponds to Group VIII, addressed to Cy = phenyl (non-heterocyclic ring) of that application.

**Copending applications:**

At the time of national stage entry, there was provided a listing which included copending applications assigned to Eli Lilly and Company. For the convenience of the Examiner, that listing is updated below:

09/926,712 now US 6,855,715

10/923,010 divisional of 09/926,712

10/030,188 to be US 7,053,078

10/883,715 now US 6,900,196, divisional of 10/030,188

10/030,186 now US 6,784,182

10/030,187 parent of instant application, now US 6,946,467

10/754,923 now US 6,936,611, continuation of 10/030,187

10/030,189 now US 6,878,725

10/876,672 divisional of 10/030,189

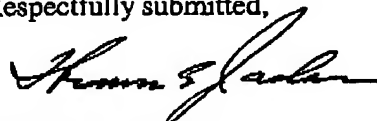
Serial No.: 10/803,157

4

10/477,192 (national stage of WO 02/100847)  
10/483,264 (national stage of WO 03/010160)  
10/486,138 (national stage of WO 03/084929)  
10/496,018 (national stage of WO 03/049737)  
10/496,019 (national stage of WO 03/050109)  
10/496,020 (national stage of WO 03/049735)  
10/539,372 (national stage of WO 2004/060872)

The undersigned has no record of the phone call of February 7, 2006; however, the Examiner is encouraged to call concerning any detail to facilitate prosecution of the application.

Respectfully submitted,



Thomas E. Jackson  
Patent Attorney  
Registration No. 33064  
Phone: 317/277-3735

Eli Lilly and Company  
Patent Division/  
P.O. Box 6288  
Indianapolis, Indiana 46206-6288

22 May 2006